

[Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re JDSU UNIPHASE CORPORATION  
SECURITIES LITIGATION

Master File No. C-02-1486 CW (EDL)

This Document Relates To:

ALL ACTIONS

**STIPULATION AND ORDER  
REGARDING BRIEFING AND  
HEARING SCHEDULE ON JDSU  
DEFENDANTS' MOTION TO  
DISMISS PLAINTIFFS' ADVA  
CLAIMS **AS MODIFIED****

1 WHEREAS, on August 24, 2007, the Court issued an Order on Defendants' motions for  
2 summary judgment in which the Court: (1) deemed Plaintiffs' Second Amended Complaint  
3 amended to include newly challenged statements and allowed Plaintiffs to proceed with claims  
4 challenging JDSU's accounting for its equity investment in a company called ADVA; and (2)  
5 ruled that the JDSU Defendants could file a motion to dismiss Plaintiffs' ADVA claims at the  
6 same time the JDSU Defendants filed their motions *in limine*;

7 WHEREAS, the trial of this action is scheduled to begin on October 22, 2007;

8 WHEREAS, if the JDSU Defendants file their motion to dismiss the ADVA claims under  
9 the normal 35-day schedule for noticed motions pursuant to Local Rule 7, the motion would not  
10 be heard until *after* the start of trial; and

11 WHEREAS, in light of the foregoing, the parties have agreed to a briefing and hearing  
12 schedule for the JDSU Defendants' motion to dismiss the ADVA claims.

13 IT IS HEREBY STIPULATED by and between the parties, through their counsel of  
14 record, that:

15 1. On Tuesday, September 18, 2007, the JDSU Defendants shall file and serve their  
16 Motion to Dismiss Plaintiffs' ADVA Claims ("Motion to Dismiss"), the same day on which they  
17 are filing their motions *in limine*;

18 2. On or before Saturday, September 29, 2007, by noon Pacific time, Plaintiffs shall  
19 file and serve any Opposition to the Motion to Dismiss;

20 3. On or before Wednesday, October 3, 2007, JDSU Defendants shall file and serve  
21 any Reply in support of the Motion to Dismiss; and

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4. The Motion to Dismiss shall be heard on October 9, 2007 at 2:00 p.m.

Dated: September 18, 2007

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- and -

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By: /s/ Anthony J. Harwood  
Anthony J. Harwood

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Dated: September 18, 2007

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By: /s/ Jordan Eth  
Jordan Eth

Attorneys for the JDSU Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED, **EXCEPT THAT THE  
MOTION MAY BE DECIDED ON THE PAPERS BEFORE HEARING.**

**9/20/07**

Dated: \_\_\_\_\_



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HONORABLE CLAUDIA WILKEN  
United States District Court Judge

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GENERAL ORDER 45 ATTESTATION

I, Jordan Eth, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Briefing and Hearing Schedule on JDSU Defendants' Motion to Dismiss Plaintiffs' ADVA Claims. In compliance with General Order 45, X.B., I hereby attest that Anthony J. Harwood, attorney for Plaintiffs, has concurred in this filing.

Dated: September 18, 2007

By: /s/ Jordan Eth

Attorneys for the JDSU Defendants